

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

JACKSON WELLS, as Personal  
Representative for the Estate of THOMAS E.  
WELLS, deceased; and JUDITH  
HEMPHILL, as Personal Representative for  
the Estate of JOYCE H. WALDER,  
deceased,

Plaintiffs,

v.

BNSF RAILWAY COMPANY; et al.,

Defendants.

21-cv-97-GF-BMM

**NOTICE OF FINAL  
JUROR QUESTIONNAIRE**

Attached to this Notice is the final Juror Questionnaire. The attached Juror Questionnaire was sent out on Friday, March 1, 2024.

The Clerk of Court is directed to notify the parties of this Notice.

DATED this 4th day of March 2024.



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Brian Morris, Chief District Judge  
United States District Court

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**JUROR QUESTIONNAIRE**

**UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF MONTANA**

**CASE NO. 21-cv-97-GF-BMM**

**JUROR QUESTIONNAIRE**

Full Name: (Please print)

\_\_\_\_\_  
(Last) (First) (Middle Initial)

City or County of Residence: \_\_\_\_\_ Zip Code: \_\_\_\_\_

How Long a Resident of the State of Montana: \_\_\_\_\_

Telephone Numbers:

Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

\* \* \* \* \*

I declare under penalty of perjury that the answers set forth in this Juror Questionnaire are true and correct to the best of my knowledge and belief. I have not discussed my answers with others or received assistance in completing the questionnaire.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
(Signature)

**FOR THE DISTRICT OF MONTANA**

**CASE NO. 21-cv-97-GF-BMM**

**JUROR QUESTIONNAIRE**

**TO THE PROSPECTIVE JUROR:**

Only the Court and the attorneys will use the information that you give in response to this questionnaire. Your responses will be kept confidential, and all parties will be under orders to maintain the confidentiality of any information they learn in the course of reviewing this questionnaire.

Please answer each question below as completely and as accurately as you reasonably can. **PLEASE COMPLETE YOUR ANSWERS IN PEN and print all answers legibly.** If there is not enough space for you to complete an answer, please your answer in the correspondingly numbered blank area provided on the last page. Please *do not* write on the back of any page.

If there is a question that you do not want to answer because of privacy concerns, then write the word “privacy” in the blank by that question. You may need to visit with the judge and the attorneys out of the presence of the other potential jurors concerning that question.

If you simply cannot understand a question, then write “do not understand” in the blank by that question.

You are expected to sign your questionnaire, and your answers will have the effect of a statement given to the Court under oath. Please make your very best and honest effort to answer the questions in this questionnaire. Do not consult with any other person in answering the questions. After completing the questions, do not discuss this case with anyone. You are a potential juror, and it is important that you not be influenced by information or opinions received outside of court. Return the completed questionnaire to the Court. Brief but clear answers will allow us to review your background before you report to the courtroom and should help speed the selection process.

The sole purpose of this questionnaire is to aid the Court and the parties in selecting a fair and impartial jury to try this case. Your full cooperation is of vital importance. Thank you for your assistance.

After you have completed and signed the questionnaire, please mail it in the stamped, self- addressed envelope or e-mail it to [billings\\_jury@mtd.uscourts.gov](mailto:billings_jury@mtd.uscourts.gov) or fax it to (406) 247-7008. **Please return your questionnaire so that it is**

received by the Court no later than **March 15, 2024**. In addition, you must call the automated phone system (855-405-2136) on **Monday, April 1, 2024**, any time after noon to receive further reporting instructions and juror status.

Thank you for your full cooperation.

### **LENGTH AND SCHEDULE OF TRIAL**

The trial of this case will begin on April 8, 2024, and will last two to three weeks. The trial days will take place at the federal courthouse in Helena, Montana and will generally run from 8:30 a.m. until 5:00 p.m., though we may begin slightly earlier or go later if necessary to ensure completion within the promised time frame. You will have at least an hour for lunch and two additional short breaks of 15 minutes, one in the morning and one in the afternoon.

### **IMPORTANT INSTRUCTIONS**

Now that you have been identified as a possible juror in this case, it is very important that you preserve your ability to be fair and impartial and to decide this case solely on the evidence you hear at trial. The Court therefore instructs you to follow these directions between now and the time of trial: Do not read any newspaper or magazine articles, listen to any television or radio broadcasts, or view or listen to any other information related in any way to this case. Do not conduct any research or investigation concerning this case such as searching the Internet, reviewing reference materials, or consulting books or articles. Do not communicate with anyone about this case, including friends and family members, coworkers or neighbors, or anyone else. This includes discussing the case in person, in writing, by phone or electronic means, via email, text messaging, or any Internet chat room, blog, website or other feature. If you are exposed to any information about this case or anything to do with it, please turn away immediately.

The law requires these restrictions to ensure that the parties have a fair trial based on the same evidence each party had an opportunity to address. The judge will ask you on March 8, 2024, whether you followed this direction. Please follow it carefully

NAME (Please print): \_\_\_\_\_

### **TO PROSPECTIVE JURORS**

This questionnaire is designed to obtain information from you with respect to your qualifications to sit as a juror in this case. By the use of the questionnaire, the process of jury selection will be shortened. Please respond to the following questions as completely as possible. The information contained within the questionnaire will become part of the Court's permanent record, but it will not be distributed to anyone except the attorneys in the case and the judge. During the questioning by the attorneys, you will be given an opportunity to explain or expand any answers, if necessary. If for any reason you do not want to answer any of the questions asked, please write the word, 'PRIVATE', next to the question and we will take this matter up with you in private.

This questionnaire is part of the jury selection process. The questions must be answered by you under penalty of perjury. You should fill out this questionnaire by yourself without consulting any other person. If you wish to make further comments regarding any of your answers, please use the explanation page on the back of the questionnaire to do so.

You are instructed not to seek out, read, or research about the parties in this case. Specifically, you must not do any research using any internet search engine (Google, Bing, etc.), message boards, chat rooms, blogs, or social media (Facebook/Meta, Twitter/X, Instagram, TikTok, Truth Social, etc.). Do not read any articles in the newspaper or online, and do not listen to any news reports on the radio or on television. If any juror does such research, this would be jury misconduct, all of our time and effort will have been wasted, and it will be necessary to start this process all over again. Furthermore, if a juror violates this Order from the Court, the juror may be subjected to Contempt of Court charges, punishable by a fine and/or jail time.

If you do not understand a question, please write, "I DO NOT UNDERSTAND", and the question will be explained to you in Court. **PLEASE REALIZE THERE ARE NO RIGHT OR WRONG ANSWERS – JUST HONEST ONES.**

\_\_\_\_\_

This trial is expected to last approximately 2-3 weeks. A trial of this length is a hardship for almost every juror. Can you perform your civic duty and make the sacrifice to serve as a juror, or do you have an extraordinary hardship that you want to bring to the Court's attention?

☐ YES, I can serve as a juror. ☐ NO, I can't serve as a juror and the reason is because:

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**REGARDLESS OF YOUR ANSWER, PLEASE COMPLETE THE REST OF THIS QUESTIONNAIRE.**

**The information provided in your answers to this questionnaire will be held confidential and will only be used during jury selection in this case.**

**NAME:** \_\_\_\_\_ **AGE:** \_\_\_\_\_ **GENDER:** \_\_\_\_\_

<p><b>1a.</b> Where do you currently work?</p> <p><b>1b.</b> What jobs have you held in the past including the names of past employers?</p>	<p><b>2a.</b> Where does your spouse/partner currently work?</p> <p><b>2b.</b> What jobs has your spouse/partner held in the past?</p>	<p><b>3.</b> What is your highest educational level? If college, please list all degrees you received and when:</p>
<p><b>4.</b> Have you, your relatives, or anyone close to you ever lived in Libby, Montana? <input type="checkbox"/> YES <input type="checkbox"/> NO If <b>YES</b>, please tell us who lived in Libby and when: identify the person(s) and the approximate dates that they lived in Libby:</p>	<p><b>5.</b> Have you, your relatives, or anyone close to you ever worked for a company that worked with vermiculite?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO If <b>YES</b>, please describe who, the name of the company, the job title, duties, and dates of employment:</p>	<p><b>6.</b> Have you or anyone close to you ever worked for, done business with, or owned stock in BNSF Railway Company?</p> <p>If <b>YES</b>, please explain:</p>
<p><b>7.</b> Have you ever served in the military?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO If <b>YES</b>, please tell us what branch, your highest rank, your date(s) of service, and type of discharge:</p>	<p><b>8.</b> Have you or anyone you know been involved in an asbestos-related lawsuit? <input type="checkbox"/> YES <input type="checkbox"/> NO If <b>YES</b>, please explain:</p>	<p><b>9.</b> What, if anything, have you heard, read, or seen about lawsuits relating to asbestos and/or mesothelioma, and when did you hear about it?</p>

<p><b>10a.</b> Have you or anyone close to you ever been diagnosed with:</p> <p><input type="checkbox"/> Mesothelioma</p> <p><input type="checkbox"/> Asbestosis</p> <p><b>10b.</b> Have you ever been the primary caretaker for an ill or disabled person?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p><b>11.</b> This case involves alleged asbestos exposure in Libby, Montana. Have you read or heard anything about this lawsuit?</p>	<p><b>12.</b> Describe your thoughts and/or feelings about personal injury lawsuits:</p>
<p><b>13.</b> If supported by the evidence and allowed by the law, could you give full consideration to awarding the following types of damages? Please answer for each:</p> <p>Emotional distress <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Mental anguish <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Pain and suffering <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Punitive damages <input type="checkbox"/> YES <input type="checkbox"/> NO</p>	<p><b>14. Other than a divorce</b>, have you or an immediate family member ever been involved in a lawsuit as a:</p> <p><input type="checkbox"/> Plaintiff (person suing)</p> <p><input type="checkbox"/> Defendant (person being sued)</p> <p><input type="checkbox"/> Witness</p> <p><b>Please provide further details for any selected (when, what was the situation, etc.):</b></p>	<p><b>15.</b> If you have ever served as a juror in a <b>Civil</b> case:</p> <p><b>a.</b> When?</p> <p><b>b.</b> What kind(s) of civil case(s)?</p> <p><b>c.</b> What was the jury's verdict?</p> <p><b>d.</b> Were you the foreperson?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p><b>16a.</b> What three (3) words or adjectives would you use to describe yourself?</p> <p><b>16b.</b> Which of the following social media platforms do you use, if any?</p> <p><input type="checkbox"/> Discord <input type="checkbox"/> Facebook/Meta</p> <p><input type="checkbox"/> Instagram <input type="checkbox"/> Snapchat <input type="checkbox"/> Threads <input type="checkbox"/> TikTok <input type="checkbox"/> Truth Social <input type="checkbox"/> Twitter/X</p> <p><input type="checkbox"/> Other: _____</p>	<p><b>17.</b> Which of the following would you turn to for national news?</p> <p><input type="checkbox"/> CNN <input type="checkbox"/> FOX <input type="checkbox"/> MSNBC</p> <p><input type="checkbox"/> Network stations (ABC, NBC, CBS)</p> <p><input type="checkbox"/> Newsmax <input type="checkbox"/> OAN</p> <p><input type="checkbox"/> Social media: _____</p> <p><input type="checkbox"/> Other: _____</p>	<p><b>18.</b> Is there any reason why you feel that you could not or should not serve as a juror in a wrongful death case?</p> <p><input type="checkbox"/> YES <input type="checkbox"/> NO If <b>YES</b>, please explain:</p>



**EXPLANATION PAGE**

QUESTION #	EXPLANATION
1a	
1b	
2a	
2b	
3	
4	
5	
6	
7	
8	
9	

<b>10a</b>	
<b>10b</b>	
<b>11</b>	
<b>12</b>	
<b>13</b>	
<b>14</b>	
<b>15</b>	
<b>16a</b>	
<b>16b</b>	
<b>17</b>	
<b>18</b>	